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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,976	06/27/2003	David E. Rodrigues	RD28584-1	6404
23413 7590 04/11/2007 CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER VIJAYAKUMAR, KALLAMBELLA M	
			ART UNIT 1751	PAPER NUMBER
			MAIL DATE 04/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/608,976

Applicant(s)

RODRIGUES, DAVID E.

Examiner

Kallambella Vijayakumar

Art Unit

1751

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-8 and 10-13.
Claim(s) withdrawn from consideration: 14-19.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


DOUGLAS MCGINTY
SUPERVISORY PATENT EXAMINER
1751

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 3/13/2007 have been fully considered. With regard to the argument that Campbell (US 6,388,046) does not teach the invention with any particular degree of certainty (Res, Pg-5, Ln 18-19), the prior art clearly teaches the addition of a phosphoramidate with a low glass transition temperature and melt blending of the components with improved melt-flow viscosity/reduced viscosity (Abstract, Cl-15, Ln 37-40). With regard to the argument that the prior art does not teach the addition of conductive fillers, while it teaches the addition of electrically insulating components such as titanium dioxide, titanium dioxide is a well-known semiconductor < a conductive material>, and prior art teaches the addition of conductive fillers such as antimony oxide, carbon black, carbon fibers and carbon nanotubes (CNT). With regard to the argument that Campbell does not teach the upper or lower limits of additives/filler, it is not the limitation of the instant claims (Res, Pg.6, Ln 3-7). With regard to the argument that the prior art does not teach examples with carbon nanotube and does not teach any examples with a suitable range of electrically conductive filler (Res, Pg-7, Ln 3-5), the prior art teaches examples with semiconducting TiO₂ and teaches the CNT as a filler, and further the range is not a limitation of the instant claims. With regard to the synergistic results obtained with the aspect ratio of CNT and lowered viscosity of the polymeric resin, (Res. Pg-7, Ln 12-15), the prior art teaches processing either same or substantially same compositions by either same or substantially same process whereby the synergistic effects will be inherent, and the aspect ratio of CNT is not a limitation of the instant claims. With regard to the unexpected results (Res, Pg-8, Ln 1-5), it is not commensurate with the instant claim limitation, and further fail to produce evidence that prior art teachings cannot attain the same benefits. With regard to the argument that Creehan's product is not produced by the melt-blending, Applicant's fail to patentably distinguish their product by process composition over the prior art product (Res, Pg-9, Ln 1-5). With regard to the IDS filed with the arguments, it does not meet the requirements of 37 CFR 1.97.

For the reasons set forth above and in the office action mailed 10/12/2006, applicant's fail to patentably distinguish their process and the product over the prior art.